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International Division

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Petition to Correct Error in Transmittal Letter

SERIAL NO.

09/530,389

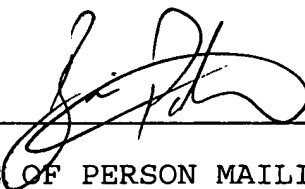
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I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE, BY BEING HANDED TO A POSTAL CLERK OR BY BEING PLACED IN THE EXPRESS MAIL BOX BEFORE THE POSTED DATE OF THE LAST PICK UP, AND IS ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

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U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

**PETITION TO CORRECT ERROR IN
TRANSMITTAL LETTER (FORM PTO-1390)
UNDER 37 C.F.R. §1.182**

Docket Number:
2345/127

Application Number
09/530,389

Filing Date
April 27, 2000

Examiner

Art Unit

Invention Title
**METHOD FOR INSTRUMENTAL VOICE QUALITY
EVALUATION**

Inventor(s)
J. BERGER

Address to:
Assistant Commissioner
for Patents
Washington D.C. 20231

Box PCT

Attn: International Division, Legal Staff

PETITION TO CORRECT ERROR IN TRANSMITTAL LETTER
(FORM PTO-1390) UNDER 37 C.F.R. § 1.182

Applicants hereby petition to correct a typographical error on the first page of the transmittal letter as filed on April 27, 2000 for the above-identified application under 37 C.F.R. § 1.182. Please note that the International Application No. should read - - PCT/EP99/05972 - - and not "PCT/EP98/05972".

It is noted that the International Filing Date and Priority Date were indicated correctly on the transmittal filed on April 27, 2000 by the applicants.

The following copies are attached:

- 1) Patent and Trademark Office communication dated May 31, 2000
- 2) Page 1 of the application transmittal filed April 27, 2000

Please charge the appropriate fee of **\$130.00** as set forth in 37 C.F.R. § 1.17 to the Deposit Account of Kenyon & Kenyon, Deposit Account No. 11-0600. Applicants hereby authorize that any additional charges or credits be charged to this account as well. A duplicate copy of this paper is also attached.

Dated: 6/28/00

Richard L. Mayer
By: Mary C. Weiner Reg. No. 30,333
Richard L. Mayer (Reg. No. 22,490)

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Patent Cooperation Treaty
Legal Office

P32981 USW

Address: Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

MAY 31 2000

Kenyon & Kenyon
One Broadway
New York, NY 10004

In re Application of
Berger
Application No.: 09/530389
PCT No.: PCT/EP99/05972
Int. Filing Date: 14 August 1999
Priority Date: 27 August 1998
Attorney's Docket No.: 2345/127
For: Method for Instrumental Voice Quality Evaluation

COMMUNICATION

JUN 5 10 50 AM '00
KENYON & KENYON
ONE BROADWAY
NEW YORK, N.Y.

This application is before the PCT Legal Office for consideration of issues arising under 35 U.S.C. 371.

BACKGROUND

On 14 August 1999, applicants filed international application PCT/EP99/05972, claiming priority of an earlier application filed on 27 August 1998. The International Bureau transmitted a copy of the international application to the United States Patent and Trademark Office on 09 March 2000. No Demand for international preliminary examination electing the United States appears to have been filed prior to the elapse of 19 months from the priority date. Accordingly, the twenty-month period for paying the basic national fee in the United States expired as of midnight on 27 April 2000.

On 27 April 2000, applicants filed, *inter alia*, the required basic national fee, a Transmittal Letter concerning a filing under 35 U.S.C. 371, a purported English translation of the international application, a preliminary amendment, a Recordation Form Cover Sheet and Assignment, a copy of a German language International Search Report (Form PCT/ISA/210), a copy of a German language Request (Form PCT/RO/101), an executed Declaration and Power of Attorney, and a fee calculation sheet.

DISCUSSION

Review of the record reveals that the transmittal letter filed on 27 April 2000

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identified the international application number to which it was directed as "PCT/EP98/05972", but referred to an international application having an international filing date of 14 August 1999. The second page of the Transmittal Letter (fee sheet) referred to PCT/EP99/05972. The declaration filed on 27 March 2000 is also directed to PCT/EP99/05972, whose international filing date is 14 August 1999. The Transmittal Letter also identified a priority date of "14 October 1998," but the priority date of PCT/EP99/05972 was 27 August 1998. In addition, the title and inventor data on the transmittal letter correspond to PCT/EP99/05972. Consideration of all of these facts suggests that this application corresponds to PCT/EP99/05972. **However, the Transmittal Letter submitted by applicants identified the international application number as "PCT/EP98/05972."**

CONCLUSION

In order to continue processing of the national stage application for PCT/EP99/05972, applicant must bring a petition under 37 CFR 1.182 to correct the error in the Transmittal Letter (Form PTO-1390) submitted on 27 April 2000. Such a petition must be accompanied by the proper petition fee.

Applicant is given **ONE (1) MONTH** from the mail date of this Communication to submit the required petition. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the International Division, Legal Staff.



Boris Milef
PCT Legal Examiner
PCT Legal Office



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**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO.
PCT/EP98/05972

INTERNATIONAL FILING DATE
(14.08.99)
14 August 1999

PRIORITY DATE CLAIMED:
(14.08.98)
14 October 1998

TITLE OF INVENTION
METHOD FOR INSTRUMENTAL VOICE QUALITY EVALUATION

APPLICANT(S) FOR DO/EO/US
BERGER, Jens

Applicants herewith submit to the United States Designated/Elected Office (DO/EO/US) the following items and other information

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) immediately rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information: International Search Report and PCT/RO/101.

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